

Appl. No. 09/708,492
Reply to Office Action of Sept. 09, 2004

REMARKS

Claims 1-45 are pending in the application. By this Amendment claims 5, 10, 15, 33, 34 and 38 are amended. Applicants respectfully request reconsideration of this application in view of the foregoing amendments and following remarks.

A. CLAIM REJECTIONS - 35 U.S.C. § 112

The Office Action states that claims 5, 10, 15, 33, 34 and 38 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Office Action states that the recitation of the limitation "said communication ports" has insufficient basis, and that Applicant should claim the limitation "said communication serial port" as indicative of the amended independent claims.

Claims 5, 10, 15, 33, 34 and 38, are hereby amended to overcome the asserted deficiency. Withdrawal of the pending rejection under 35 U.S.C. § 112 is respectfully respected.

B. The Grounds of Rejection is Unclear

Applicant submits that the grounds of rejection is unclear in that it is not clear the manner in which the Schweitzer reference is being applied. In particular, on page 13, lines 11-25, the Office Action appears to rely on Schweitzer in the rejection of claim 20. However, on page 3, the Office Action appears to assert that claim 20 is rejected solely on the teachings of Dai and Moore. Further, the Office Action appears to rely on Schweitzer to reject claim 21. Applicant requests that the Examiner clarify which claims are being rejected based on the teachings of Schweitzer.

Further, in the Office Action on page 13, line 26 - page 14, the Office Action asserts that claim 21 is rejected under the same rationale given above; and that in the rejections set fourth,

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the Examiner will address the additional limitations and point to the relevant teachings of Moore and Dai and Schweitzer, III. The Office Action further asserts that regarding claims 21, a computer architecture as recited in claim 20, wherein said intelligent electronic devices are protective relays (Schweitzer: col. 3, lines 22-35). It is respectfully submitted that such assertions in the Office Action fail to fairly set forth the grounds of rejection of claim 21, so as to set forth the requisite analysis of *Graham v. John Deere Co.* 383 US 1 (1966).

The Examiner is requested to withdraw or clarify the grounds of rejection as set forth in the Office Action.

C. The Claim Rejection under 35 U.S.C. § 103(a)

The Office Action asserts that claims 1-5, 7, 9-15, 17, 19, 20, 22-24, 26, 28-34, 36, 38-42, and 44-45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,781,549 to Dai ("Dai") in view of U.S. Patent No. 5,287,461 to Moore et al. ("Moore"). This rejection is respectfully traversed.

Claim 1 recites a multiple port unit adapted for coupling one or more computers to multiple peripheral devices over a network, said multiple port unit comprising, plural network ports, each of said network ports being configured to couple the multiple port unit to a computer over a respective network link; plural communication serial ports, each of said communication serial ports being configured to couple the multiple port unit to a peripheral device; and a control unit configured to interrogate the network links and to communicatively couple said communication serial ports to a selected one of said network ports based on the interrogation of the network links.

As described in the Abstract of Dai, Dai is directed to a method and apparatus for switching data packets in a data network, that includes "A local area network switch which

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implements packet segmentation and reassembly for cell-based switching on a backplane cell bus. A plurality of packet processing units are each coupled to a backplane cell bus wherein each packet processing unit hosts a plurality of local area network ports. Each packet processing unit is associated with a single packet buffer memory that is shared by the ports associated with the packet processing unit. The segmentation of local area network packets into fixed-size cells facilitates an efficient local area network switch which provides dedicated bandwidth for each of the ports associated with the switch. There is also provision for coupling the local area network ports to communicate with a high-speed network interface”(Abstract).

Claim 1 recites among other features, *a control unit configured to interrogate the network links and to communicatively couple said communication serial ports to a selected one of said network ports based on the interrogation of the network links*. Based on at least the reasons set forth below, Applicant respectfully traverses the rejection set forth in the Office Action and the basis thereof.

The Office Action asserts that Dai teaches a multiple port unit adapted for coupling one or more computers to multiple peripheral devices over a network (Dai: col. 4, lines 38-43, Figure 1), said multiple port unit comprising plural network ports (Dai: col. 2, lines 25-33; col. 4, lines 38-43), each of said network ports being configured to couple the multiple port unit to a computer over a respective network link (Dai: col. 2, lines 25-33; col. 4, lines 38-43; where Ethernet ports are network ports); and a control unit configured to interrogate the network links and to communicatively couple said ports to a selected one of said network ports based on the interrogation of the network links (Dai: col. 2, lines 48-59).

The Office Action further asserts that Dai does not explicitly state serial ports.

However, the Office Action asserts that Moore teaches plural communication serial ports

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(Moore: col. 3, lines 4257), each of said communication serial ports being configured to couple the multiple port unit to a peripheral device (Moore: col. 3, lines 58-65). The Office Action also asserts that Moore further teaches the serial console line for each server has the capability to transmit to and receive from a serial port with another device (Moore: col. 2, lines 40-45). The Office Action then concludes it would have been obvious at the time of the invention to one of ordinary skill in the art to create the multiple port packet switch as taught by Dai while employing the use of serial ports as taught by Moore in order to transmit and receive with a serial port and other devices (Moore: col. 2, lines 40-45).

Applicant respectfully traverses the assertions of the Office Action. Applicant submits that Dai fails to teach the features of claim 1 including a control unit configured to interrogate the network links and to communicatively couple said communication serial ports to a selected one of said network ports based on the interrogation of the network links. Instead, Dai teaches routing controller 230 itself is a device connected to the cell bus 220; and that internally, it only takes the address information cells for searching its routing table for the destination port(s) and to learn the source address information for table maintenance within its routing table 235"(column 9, lines 22-27).

Applicant notes in particular that the Office Action asserts that Dai teaches a control unit configured to interrogate the network links and to communicatively couple said ports to a selected one of said network ports based on the interrogation of the network links (Dai: col. 2, lines 48-59). This assertion is traversed.

In such disclosure of Dai of column 2, Dai describes that: coupled to the cell bus is a switch packet routing controller which monitors cell traffic on the cell bus. Dai further teaches that for each packet that is received, the switch packet routing controller analyzes the packet to

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determine which ports, if any, the packet is to be output from. The switch packet routing controller propagates a control cell on the cell bus directing each of the packet processing units how to "route" each packet being assembled thereby. Dai further teaches that the switch packet routing controller also has associated therewith a routing table memory which collects information on received packets for creating a routing table associating each port with addresses to which it is in communication.

It is submitted that such teaching of Dai relates to a routing situation. In sharp contrast, the claimed invention relates to *interrogating* the network links and to communicatively *couple* said communication serial ports to a selected one of said network ports based on the interrogation of the network links. Dai fails to teach such features relating to the "interrogating" and the "coupling" in particular.

Accordingly, it is respectfully submitted that even if it were obvious to somehow modify Dai with the serial ports of Moore, which Applicant does not admit to be, such modification would still fail to cure the deficiencies of Dai in teaching the claimed invention.

For at least the foregoing reasons, Applicant respectfully submits that claim 1 defines patentable subject matter. Further, it is submitted that independent claims 11, 22, 30, and 40 define patentable subject matter for reasons similar to those set forth above with respect to independent claim 1.

Further, the various dependent claims define patentable subject matter based on their various dependencies on the independent claims, as well as the additional features such dependent claims recite. Withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

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D. The Further 35 U.S.C. §103 Rejections

In the Office Action, claims 6, 16, 25, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dai in view of Moore and further in view of U.S. Patent No. 5,761,084 by Edwards. The Office Action also rejects claims 8, 18, 27, 37 and 43 under 35 U.S.C. 103(a) as being unpatentable over Dai in view of Moore and further in view of U.S. Patent No. 4,937,817 by Lin. Also, the Office Action asserts that claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dai in view of Moore.

The Office Action acknowledges that the proposed combination of Dai and Moore in the Office Action fail to teach various features of such dependent claims. For example, the Office Action asserts that the Dai and Moore references do not explicitly state the use of two redundant power supplies. The Office Action asserts that the Dai and Moore references do not explicitly state the use of the Packet Internet Groper when allegedly interrogating links. The Office Action further asserts that the Dai and Moore references do not explicit state intelligent devices as peripherals.

However, it is respectfully submitted that the secondary references, which the Office Action proposes to combine wit Dai and Moore, fail to cure the deficiencies of Dai and Moore as described above.

Accordingly, it is submitted that claims 6, 16, 25, 35; claims 8, 18, 27, 37, 43; and claim 21 define patentable subject matter for at least the reasons set forth above, as well as for the further features that such dependent claims recite.

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E. Conclusion

For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited.

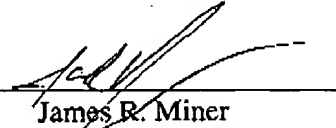
Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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Date: February 09, 2005

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